

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA,

v.

LAWRENCE WAYNE FRANCIS, II

)
)
) **No. 3:02-CR-78**
) **(Phillips)**
)

ORDER

This matter is before the court on the defendant's motion filed on his behalf by Federal Defender Services brought pursuant to 18 U.S.C. § 3582(c) [Doc. 1002]. The government has filed a response deferring to the court's discretion as to the amount the defendant's sentence might be reduced [Doc. 1064]. The court also has received a modified presentence report from the United States Probation Office.

The defendant was sentenced by the Honorable James J. Jarvis on February 18, 2004, to 140 months imprisonment for conspiracy to distribute fifty grams or more of crack cocaine. This sentence was based on a guideline range of 188-235 months (base offense level 33 and a criminal history category IV), which was reduced based on the government's motion for a downward departure due to substantial assistance. According to the Bureau of Prisons, the defendant is scheduled for release on March 27, 2013.

Under the retroactive amendment to the crack guidelines, the defendant's new guideline range is 151-188 months (base offense level 31 and a criminal history

category IV). With a comparable departure (40%), the defendant's sentence would be 112 months.

It is hereby **ORDERED** that the defendant's motion [Doc. 1002, 1057] is **GRANTED**, and the defendant's sentence is reduced to 112 months. If this sentence is less than the amount of time the defendant has already served, the sentence is reduced to a "time served" sentence. This Order shall take effect ten (10) days from its entry in order to give the Bureau of Prisons time to process the release of the defendant. Except as provided above, all provisions of the judgment dated February 18, 2004, shall remain in effect.

ENTER:

s/ Thomas W. Phillips
United States District Judge